

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:14-CR-254-H-2

UNITED STATES OF AMERICA)	
)	
v.)	ORDER OF DETENTION PENDING
)	TRIAL
CALVIN DEONTE FORD)	
)	
Defendant.)	

This case came before the court today for hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial. At the hearing, defendant presented no evidence. At the court's request, the government provided a brief proffer of the evidence supporting its case. For the reasons stated below, the government's motion is GRANTED.

Background

Defendant was charged in a seven-count indictment on 28 October 2014 with: conspiracy to distribute and possess with the intent to distribute cocaine base (crack) and cocaine beginning in or about December 2010 and continuing up to and including 28 October 2014 in violation of 21 U.S.C. § 841(a)(1) (ct. 1); distribution of a quantity of cocaine and a quantity of cocaine base, and aiding and abetting the same, on or about 10 January 2013 in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (ct. 2); possession with the intent to distribute a quantity of cocaine base on or about 24 January 2013 in violation of 21 U.S.C. § 841(a)(1) (ct. 3); possession with intent to distribute a quantity of cocaine, and aiding and abetting the same, on or about 24 January 2013 in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (ct. 6); and possession of a firearm by a convicted felon on or about 24 January 2013 in violation of 18

U.S.C. §§ 922(g)(1) and 924 (ct. 7). The evidence presented at the hearing showed that the charges arise from a series of controlled purchases of cocaine and cocaine base from defendant.

Discussion

Given the nature of the charges, the rebuttable presumption of detention in 18 U.S.C. § 3142(e)(3) applies. The court finds that defendant, having presented no evidence, failed to rebut the presumption of detention. In accordance with this presumption, the court finds that there is no condition or combination of conditions that will reasonably assure the appearance of defendant as required and the safety of the community before trial if he is released.

Alternatively, the court finds that the proffer of the government and the information in the pretrial services report shows by clear and convincing evidence that there is no condition or combination of conditions that would reasonably assure the safety of any other person or the community and by a preponderance of the evidence that there is no condition or combination of conditions that would reasonably assure the appearance of defendant as required if he were released. This alternative finding is based on, among other facts, the drug-related nature of the charges against defendant and his criminal record.

Conclusion

IT IS THEREFORE ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver

defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This, the 15th day of December 2014.



James E. Gates
United States Magistrate Judge